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L.C., I.H., A.L., and

ANTONIA SALAS UBALDO

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

L.C., a minor by and through her  
guardian *ad litem* Maria Cadena,  
individually and as successor-in-interest  
to Hector Puga; I.H., a minor by and  
through his guardian *ad litem* Jasmine  
Hernandez, individually and as  
successor-in-interest to Hector Puga;  
A.L., a minor by and through her  
guardian *ad litem* Lydia Lopez,  
individually and as successor-in-interest  
to Hector Puga; and ANTONIA  
SALAS UBALDO, individually;

Plaintiffs,

vs.

STATE OF CALIFORNIA; COUNTY  
OF SAN BERNARDINO; and DOES  
1-10, inclusive,

Defendants.

Case No. 5:22-cv-00949

**COMPLAINT FOR DAMAGES**

1. Fourth Amendment—Detention and Arrest (42 U.S.C. § 1983)
2. Fourth Amendment—Excessive Force (42 U.S.C. § 1983)
3. Fourth Amendment—Denial of Medical Care (42 U.S.C. § 1983)
4. Substantive Due Process (42 U.S.C. § 1983)
5. Municipal Liability—Ratification (42 U.S.C. § 1983)
6. Municipal Liability—Inadequate Training (42 U.S.C. § 1983)
7. Municipal Liability—Unconstitutional Custom, Practice, or Policy (42 U.S.C. § 1983)
8. Battery (Wrongful Death)
9. Negligence (Wrongful Death)
10. Violation of Cal. Civil Code § 52.1

**DEMAND FOR JURY TRIAL**

1 **COMPLAINT FOR DAMAGES**

2 L.C., a minor by and through her guardian *ad litem* Maria Cadena,  
3 individually and as successor-in-interest to Hector Puga; I.H., a minor by and  
4 through his guardian *ad litem* Jasmine Hernandez, individually and as successor-in-  
5 interest to Hector Puga; A.L., a minor by and through her guardian *ad litem* Lydia  
6 Lopez, individually and as successor-in-interest to Hector Puga; and ANTONIA  
7 SALAS UBALDO, individually, for their Complaint against Defendants STATE OF  
8 CALIFORNIA, COUNTY OF SAN BERNARDINO, and DOES 1-10, inclusive,  
9 allege as follows:

10 **JURISDICTION AND VENUE**

11 1. This Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331  
12 and 1343(a)(3)-(4) because Plaintiffs assert claims arising under the laws of the  
13 United States including 42 U.S.C. § 1983 and the Fourth and Fourteenth  
14 Amendments of the United States Constitution. This Court has supplemental  
15 jurisdiction over Plaintiffs' claims arising under state law pursuant to 28 U.S.C. §  
16 1367(a), because those claims are so related to the federal claims that they form part  
17 of the same case or controversy under Article III of the United States Constitution.

18 2. Venue is proper in this Court under 28 U.S.C. § 1391(b) because  
19 Defendants reside in this district and all incidents, events, and occurrences giving  
20 rise to this action occurred in this district.

21 **INTRODUCTION**

22 3. This civil rights and state tort action seeks compensatory and punitive  
23 damages from Defendants for violating various rights under the United States  
24 Constitution and state law in connection with the fatal officer-involved shooting of  
25 Victor Puga on February 17, 2021.

26 **PARTIES**

27 4. At all relevant times, Decedent VICTOR PUGA ("DECEDENT") was  
28 an individual residing in the City of Bellflower, County of Los Angeles, California.

1           5.     Plaintiff L.C. (“Plaintiff L.C.”) is an individual residing in the City of  
2 Downey, County of Los Angeles, California and is the natural minor child of  
3 DECEDENT. Plaintiff L.C. sues both in her individual capacity as the minor child  
4 of DECEDENT and in a representative capacity as a successor-in-interest to  
5 DECEDENT pursuant to California Code of Civil Procedure §§ 377.30 and 377.60.  
6 Plaintiff L.C. seeks both survival and wrongful death damages under federal and  
7 state law.

8           6.     Plaintiff I.H. (“Plaintiff I.H.”) is an individual residing in the City of  
9 Compton, County of Los Angeles, California and is the natural minor child of  
10 DECEDENT. Plaintiff I.H. sues both in his individual capacity as the minor child  
11 of DECEDENT and in a representative capacity as a successor-in-interest to  
12 DECEDENT pursuant to California Code of Civil Procedure §§ 377.30 and 377.60.  
13 Plaintiff I.H. seeks both survival and wrongful death damages under federal and  
14 state law.

15           7.     Plaintiff A.L. (“Plaintiff A.L.”) is an individual residing in the City of  
16 Bell, County of Los Angeles, California and is the natural minor child of  
17 DECEDENT. Plaintiff A.L. sues both in her individual capacity as the minor child  
18 of DECEDENT and in a representative capacity as a successor-in-interest to  
19 DECEDENT pursuant to California Code of Civil Procedure §§ 377.30 and 377.60.  
20 Plaintiff A.L. seeks both survival and wrongful death damages under federal and  
21 state law.

22           8.     Plaintiff ANTONIA SALAS UBALDO (“Plaintiff UBALDO”) is an  
23 individual residing in the City of Bellflower, County of Los Angeles, California.  
24 DIANE ANAYA is the natural mother of DECEDENT and sues in her individual  
25 capacity. DIANE ANAYA seeks wrongful death damages, compensatory damages  
26 and punitive damages under federal and state law.

27           9.     At all relevant times, Defendant STATE OF CALIFORNIA  
28 (“STATE”) is and was a duly organized public entity existing under the laws of the

1 State of California. STATE is responsible for the actions, omissions, policies,  
2 procedures, practices and customs of its various agents and agencies, including the  
3 California Highway Patrol (“CHP”) and its agents and employees. At all relevant  
4 times, Defendant STATE is and was responsible for assuring that the actions,  
5 omissions, policies, procedures, practices, and customs of the and its employees and  
6 agents complied with the laws of the United States and of the State of California.

7 10. At all relevant times, Defendant COUNTY OF SAN BERNARDINO  
8 (“COUNTY”) is and was a duly organized public entity existing under the laws of  
9 the State of California. COUNTY is responsible for the actions, omissions, policies,  
10 procedures, practices and customs of its various agents and agencies, including the  
11 San Bernardino Sheriff’s Department (“SBSD”) and its agents and employees. At all  
12 relevant times, Defendant COUNTY is and was responsible for assuring that the  
13 actions, omissions, policies, procedures, practices, and customs of the and its  
14 employees and agents complied with the laws of the United States and of the State  
15 of California.

16 11. At all relevant times, Defendants DOES 1-3 (“DOE OFFICERS”) were  
17 duly appointed by STATE as CHP officers and employees or agents of STATE,  
18 subject to oversight and supervision by STATE’s elected and non-elected officials.  
19 DOES 1-3 acted under color of law, to wit, under the color of the statutes,  
20 ordinances, regulations, policies, customs, and usages of defendant STATE and the  
21 CHP, and under the color of the statutes and regulations of the State of California.

22 12. At all relevant times, Defendants DOES 4-6 (“DOE DEPUTIES”) were  
23 duly appointed by COUNTY as SBSD deputies and employees or agents of  
24 COUNTY, subject to oversight and supervision by COUNTY’s elected and non-  
25 elected officials. DOES 4-6 acted under color of law, to wit, under the color of the  
26 statutes, ordinances, regulations, policies, customs, and usages of defendant  
27 COUNTY and the SBSD, and under the color of the statutes and regulations of the  
28 State of California.

1           13.    At all relevant times, Defendants DOES 7-8 are managerial,  
2   supervisory, and policymaking employees of the CHP, who were acting under  
3   color of law within the course and scope of their duties as managerial, supervisory,  
4   and policymaking employees for the CHP. DOES 7-8 were acting with the  
5   complete authority and ratification of their principal, Defendant STATE.

6           14.    At all relevant times, Defendants DOES 9-10 are managerial,  
7   supervisory, and policymaking employees of the SBSD, who were acting under  
8   color of law within the course and scope of their duties as managerial, supervisory,  
9   and policymaking employees for the SBSD. DOES 9-10 were acting with the  
10   complete authority and ratification of their principal, Defendant COUNTY.

11          15.    In doing the acts and failing and omitting to act as hereinafter  
12   described, DOE OFFICERS were acting on the implied and actual permission and  
13   consent of Defendant STATE.

14          16.    In doing the acts and failing and omitting to act as hereinafter  
15   described, DOE DEPUTIES were acting on the implied and actual permission and  
16   consent of Defendant COUNTY.

17          17.    DOES 1-10 are sued in their individual capacities.

18          18.    The true names and capacities of DOES 1-10 are unknown to Plaintiffs,  
19   who otherwise sues these Defendants by such fictitious names. Plaintiffs will seek  
20   leave to amend this complaint to show the true names and capacities of the  
21   Defendants when they have been ascertained. Each of the fictitiously named  
22   Defendants is responsible in some manner for the conduct or liabilities alleged  
23   herein.

24          19.    At all times mentioned herein, each and every defendant was the agent  
25   of each and every other defendant and had the legal duty to oversee and supervise  
26   the hiring, conduct, and employment of each and every defendant.

27          20.    All of the acts complained of herein by Plaintiff against Defendants  
28   were done and performed by said Defendants by and through their authorized

1 agents, servants, and/or employees, all of whom at all relevant times herein were  
2 acting within the course, purpose, and scope of said agency, service, and/or  
3 employment capacity. Moreover, Defendants and their agents ratified all of the acts  
4 complained of herein.

5 21. On or around November 19, 2021, Plaintiffs filed comprehensive and  
6 timely claims for damages with the State of California pursuant to the applicable  
7 sections of the California Government Code. Said claims were rejected on May 4,  
8 2022.

9 22. On or around November 23, 2021, Plaintiffs filed comprehensive and  
10 timely claims for damages with the County of San Bernardino pursuant to the  
11 applicable sections of the California Government Code. Said claims were rejected  
12 on December 8, 2021.

13  
14 **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

15 23. Plaintiffs repeat and re-allege each and every allegation in paragraphs 1  
16 through 22 of this Complaint with the same force and effect as if fully set forth  
17 herein.

18 24. This incident occurred on February 17, 2021 at approximately 1:42  
19 a.m. On information and belief, California Highway Patrol officers and County of  
20 San Bernardino sheriff's deputies attempted a traffic stop of DECEDENT's vehicle,  
21 a white Ford Expedition, on the I-15.

22 25. On information and belief, DECEDENT's vehicle exited the freeway at  
23 Main Street and ultimately stopped in the area of Peach Avenue and Catalpa Street  
24 in Hesperia, California.

25 26. On information and belief, DECEDENT complied with commands to  
26 exit his car and placed his hands in the air. DECEDENT then complied with  
27 commands to position himself in the front of his vehicle with his hands above his  
28 hands in the air.

1           27. On information and belief, DOE OFFICERS and DOE DEPUTIES  
2 approached DECEDENT and shot at DECEDENT without justification, thereby  
3 using excessive force against him.

4           28. On information and belief, DECEDENT ran away with his back  
5 towards DOE OFFICERS and DOE DEPUTIES as DOE OFFICERS and DOE  
6 DEPUTIES continued shooting at DECEDENT without justification. DECEDENT  
7 was running away with his back towards DOE OFFICERS and DOE DEPUTIES  
8 with both hands visibly pumping back and forth in a running motion.

9           29. On information and belief, DECEDENT dropped to the ground as a  
10 result of sustaining gunshot wounds to his back. After DECEDENT dropped face-  
11 forward onto the ground and away from DOE OFFICERS and DOE DEPUTIES,  
12 DOE OFFICERS and DOE DEPUTIES continued shooting at DECEDENT without  
13 justification.

14           30. On information and belief, DOE OFFICERS directed DECEDENT to  
15 get out of the vehicle and to sit outside on the sidewalk, to which DECEDENT  
16 complied. DOE OFFICERS then performed a physical search of DECEDENT's  
17 person and subsequently opened the trunk of the vehicle to perform a search inside  
18 the vehicle.

19           31. On information and belief, DOE OFFICERS and DOE DEPUTIES  
20 failed to give a warning that deadly force was going to be used before shooting at  
21 DECEDENT, despite it being feasible to do so.

22           32. On information and belief, DECEDENT did not pose an immediate  
23 threat of serious bodily injury or death to anyone at the time of the shooting. DOE  
24 OFFICERS and DOE DEPUTIES were not faced with an immediate or imminent  
25 defense of life situation and had less than lethal alternatives available to subdue  
26 DECEDENT and to take DECEDENT into custody.

27           33. On information and belief, despite having knowledge that DECEDENT  
28 was seriously injured by DOE OFFICERS's use of deadly force, DOE OFFICERS



1 failed to timely summon medical care or permit medical personnel to treat  
2 DECEDENT. The delay of medical care to DECEDENT was a contributing cause of  
3 DECEDENT's harm, injury, pain and suffering, and ultimate death.

4 34. DECEDENT sustained gunshot wounds to his body. DECEDENT died  
5 as a result of those injuries.

6 35. Plaintiff L.C. is DECEDENT's successor-in-interest as defined in  
7 Section 377.11 of the California Code of Civil Procedure and succeeds to  
8 DECEDENT's interest in this action as the natural daughter of DECEDENT.

9 36. Plaintiff I.H. is DECEDENT's successor-in-interest as defined in  
10 Section 377.11 of the California Code of Civil Procedure and succeeds to  
11 DECEDENT's interest in this action as the natural daughter of DECEDENT.

12 37. Plaintiff A.L. is DECEDENT's successor-in-interest as defined in  
13 Section 377.11 of the California Code of Civil Procedure and succeeds to  
14 DECEDENT's interest in this action as the natural daughter of DECEDENT.

15 38. Plaintiff ANTONIA SALAS UBALDO was dependent upon  
16 DECEDENT to some extent for the necessities of life.

17  
18 **FIRST CLAIM FOR RELIEF**

19 **Fourth Amendment—Detention and Arrest (42 U.S.C. § 1983)**

20 (Plaintiffs L.C., I.H., and A.L. against Defendants DOE OFFICERS and DOE  
21 DEPUTIES)

22 39. Plaintiffs repeat and re-allege each and every allegation in paragraphs 1  
23 through 38 of this Complaint with the same force and effect as if fully set forth  
24 herein.

25 40. Defendants DOE OFFICERS and DOE DEPUTIES detained  
26 DECEDENT without reasonable suspicion and arrested him without probable cause.

27 41. When Defendants DOE OFFICERS and DOE DEPUTIES pulled  
28 DECEDENT over, pointed their weapons at DECEDENT, and shot DECEDENT,



1 they violated DECEDENT's right to be secure in his person against unreasonable  
2 searches and seizures as guaranteed to DECEDENT under the Fourth Amendment  
3 to the United States Constitution and applied to state actors by the Fourteenth  
4 Amendment.

5 42. The conduct of Defendants DOE OFFICERS and DOE DEPUTIES  
6 was willful, wanton, malicious, and done with reckless disregard for the rights and  
7 safety of DECEDENT and therefore warrants the imposition of exemplary and  
8 punitive damages as to Defendant DOE OFFICERS and DOE DEPUTIES.

9 43. As a result of their misconduct, Defendants DOE OFFICERS and DOE  
10 DEPUTIES are liable for DECEDENT's injuries, because they were integral  
11 participants in the wrongful detention and arrest.

12 44. Plaintiffs L.C., I.H., and A.L. bring this claim as successors-in-interest  
13 to the DECEDENT, and seeks survival damages, including physical and mental pre-  
14 death pain and suffering, loss of life, and loss of enjoyment of life for the violation  
15 of DECEDENT's rights. Plaintiffs L.C., I.H., and A.L. also seek attorney's fees  
16 under this claim.

## 17 18 **SECOND CLAIM FOR RELIEF**

### 19 **Fourth Amendment —Excessive Force (42 U.S.C. § 1983)**

20 (By Plaintiffs L.C., I.H., and A.L. against Defendants DOE OFFICERS and DOE  
21 DEPUTIES)

22 45. Plaintiffs repeat and re-allege each and every allegation in paragraphs 1  
23 through 44 of this Complaint with the same force and effect as if fully set forth  
24 herein.

25 46. Defendants DOE OFFICERS and DOE DEPUTIES used excessive  
26 force against DECEDENT when he they shot him several times. Defendants DOE  
27 OFFICERS and DOE DEPUTIES' unjustified use of force deprived DECEDENT of  
28 his right to be secure in his person against unreasonable searches and seizures as

1 guaranteed to DECEDENT under the Fourth Amendment to the United States  
2 Constitution and applied to state actors by the Fourteenth Amendment.

3 47. As a result of the foregoing, DECEDENT suffered great physical pain  
4 and emotional distress up to the time of his death, loss of enjoyment of life, loss of  
5 life, and loss of earning capacity.

6 48. The conduct of Defendants DOE OFFICERS and DOE DEPUTIES  
7 was willful, wanton, malicious, and done with reckless disregard for the rights and  
8 safety of DECEDENT, and therefore warrants the imposition of exemplary and  
9 punitive damages.

10 49. The shooting was excessive and unreasonable, and DECEDENT posed  
11 no immediate threat of death or serious bodily injury at the time of the shooting.  
12 Further, Defendants DOE OFFICERS and DOE DEPUTIES' shooting and use of  
13 force violated their training and standard police officer training.

14 50. As a result of their misconduct, Defendants DOE OFFICERS and DOE  
15 DEPUTIES are liable for DECEDENT'S injuries, either because they were integral  
16 participants in the use of excessive force, and/or because they failed to intervene to  
17 prevent these violations.

18 51. Plaintiffs L.C., I.H., and A.L. bring this claim as a successors-in-  
19 interest to the DECEDENT, and seeks survival damages, including pre-death pain  
20 and suffering, emotional distress, loss of life, and loss of enjoyment of life, for the  
21 violation of DECEDENT's rights. Plaintiffs L.C., I.H., and A.L. also seek  
22 attorney's fees under this claim.

23 //

24 //

25 //

26 //

27 //

28 //

**THIRD CLAIM FOR RELIEF**

**Fourth Amendment —Denial of Medical Care (42 U.S.C. § 1983)**

(By Plaintiffs L.C., I.H., and A.L. against Defendants DOE OFFICERS and DOE DEPUTIES)

52. Plaintiffs repeat and re-allege each and every allegation in paragraphs 1 through 51 of this Complaint with the same force and effect as if fully set forth herein.

53. The denial of medical care by Defendants DOE OFFICERS and DOE DEPUTIES deprived DECEDENT of his right to be secure in his person against unreasonable searches and seizures as guaranteed to DECEDENT under the Fourth Amendment to the United States Constitution and applied to state actors by the Fourteenth Amendment.

54. Defendants DOE OFFICERS and DOE DEPUTIES failed to provide needed medical care to DECEDENT, failed to timely summon needed medical care for DECEDENT, prevented medical care personnel from timely treating DECEDENT, and refused to permit medical care personnel to access and care for DECEDENT at the scene for an appreciable time after the incident.

55. As a result of the foregoing, DECEDENT suffered great physical pain and suffering up to the time of his death, loss of enjoyment of life, loss of life, and loss of earning capacity.

56. Defendants DOE OFFICERS and DOE DEPUTIES knew that failure to provide timely medical treatment to DECEDENT could result in further significant injury, the unnecessary and wanton infliction of pain, or death, but disregarded that serious medical need, causing DECEDENT great bodily harm and death.

57. The conduct of Defendants DOE OFFICERS and DOE DEPUTIES was willful, wanton, malicious, and done with reckless disregard for the rights and safety of DECEDENT and therefore warrants the imposition of exemplary and punitive damages as to Defendants DOE OFFICERS and DOE DEPUTIES.

1        58. As a result of their misconduct, Defendants DOE OFFICERS and DOE  
2 DEPUTIES are liable for DECEDENT'S injuries, either because they were integral  
3 participants in the denial of medical care, and/or because they failed to intervene to  
4 prevent these violations.

5        59. Plaintiffs L.C., I.H., and A.L. bring this claim as a successors-in-interest  
6 to the DECEDENT, and seeks survival damages, including pre-death pain and  
7 suffering, loss of life, and loss of enjoyment of life for the violation of  
8 DECEDENT'S rights. Plaintiffs L.C., I.H., and A.L. also seek attorney's fees and  
9 costs under this claim.

10  
11                                    **FOURTH CLAIM FOR RELIEF**

12                                    **Substantive Due Process (42 U.S.C. § 1983)**

13                    (By All Plaintiffs against Defendants DOE OFFICERS and DOE DEPUTIES)

14        60. Plaintiffs repeat and re-allege each and every allegation in paragraphs 1  
15 through 59 of this Complaint with the same force and effect as if fully set forth  
16 herein.

17        61. Plaintiff L.C. had a cognizable interest under the Due Process Clause of  
18 the Fourteenth Amendment of the United States Constitution to be free from state  
19 actions that deprive her of life, liberty, or property in such a manner as to shock the  
20 conscience, including but not limited to unwarranted state interference in Plaintiff  
21 L.C.'s familial relationship with her father, DECEDENT.

22        62. Plaintiff I.H. had a cognizable interest under the Due Process Clause of  
23 the Fourteenth Amendment of the United States Constitution to be free from state  
24 actions that deprive him of life, liberty, or property in such a manner as to shock the  
25 conscience, including but not limited to unwarranted state interference in Plaintiff  
26 I.H.'s familial relationship with his father, DECEDENT.

27        63. Plaintiff A.L. had a cognizable interest under the Due Process Clause of  
28 the Fourteenth Amendment of the United States Constitution to be free from state

1 actions that deprive her of life, liberty, or property in such a manner as to shock the  
2 conscience, including but not limited to unwarranted state interference in Plaintiff  
3 A.L.'s familial relationship with her father, DECEDENT.

4 64. Plaintiff ANTONIA SALAS UBALDO had a cognizable interest under  
5 the Due Process Clause of the Fourteenth Amendment of the United States  
6 Constitution to be free from state actions that deprive her of life, liberty, or property  
7 in such a manner as to shock the conscience, including but not limited to  
8 unwarranted state interference in Plaintiff ANTONIA SALAS UBALDO's familial  
9 relationship with her son, DECEDENT.

10 65. The aforementioned actions of Defendants DOE OFFICERS and DOE  
11 DEPUTIES, along with other undiscovered conduct, shock the conscience, in that  
12 they acted with deliberate indifference to the constitutional rights of Plaintiffs L.C.,  
13 I.H., A.L., and ANTONIA SALAS UBALDO, and with purpose to harm unrelated  
14 to any legitimate law enforcement objective.

15 66. As a direct and proximate result of these actions, DECEDENT  
16 experienced pain and suffering and eventually died. Defendants DOE OFFICERS  
17 and DOE DEPUTIES thus violated the substantive due process rights of Plaintiffs  
18 L.C., I.H., A.L., and ANTONIA SALAS UBALDO to be free from unwarranted  
19 interference with their familial relationship with DECEDENT.

20 67. As a direct and proximate cause of the acts of Defendants DOE  
21 OFFICERS and DOE DEPUTIES, Plaintiffs L.C., I.H., A.L., and ANTONIA  
22 SALAS UBALDO suffered emotional distress, mental anguish, and pain. Plaintiffs  
23 L.C., I.H., A.L., and ANTONIA SALAS UBALDO have also been deprived of the  
24 life-long love, companionship, comfort, support, society, care, and sustenance of  
25 DECEDENT, and will continue to be so deprived for the remainder of their natural  
26 lives.

27 68. The conduct of Defendants DOE OFFICERS and DOE DEPUTIES  
28 was willful, wanton, malicious, and done with reckless disregard for the rights and

1 safety of DECEDENT and Plaintiffs L.C., I.H., A.L., and ANTONIA SALAS  
2 UBALDO and therefore warrants the imposition of exemplary and punitive damages  
3 as to Defendants DOE OFFICERS and DOE DEPUTIES.

4 69. Plaintiff L.C. brings this claim individually for the interference with her  
5 relationship with her father DECEDENT and seeks wrongful death damages for the  
6 violation of Plaintiff L.C.'s rights. Plaintiff L.C. also seeks attorney's fees under  
7 this claim.

8 70. Plaintiff I.H. brings this claim individually for the interference with his  
9 relationship with his father DECEDENT and seeks wrongful death damages for the  
10 violation of Plaintiff I.H.'s rights. Plaintiff I.H. also seeks attorney's fees under this  
11 claim.

12 71. Plaintiff A.L. brings this claim individually for the interference with  
13 her relationship with her father DECEDENT and seeks wrongful death damages for  
14 the violation of Plaintiff A.L.'s rights. Plaintiff A.L. also seeks attorney's fees  
15 under this claim.

16 72. Plaintiff ANTONIA SALAS UBALDO brings this claim individually  
17 for the interference with her relationship with her son DECEDENT and seeks  
18 wrongful death damages for the violation of Plaintiff ANTONIA SALAS  
19 UBALDO's rights. Plaintiff ANTONIA SALAS UBALDO also seeks attorney's  
20 fees under this claim.

21  
22 **FIFTH CLAIM FOR RELIEF**

23 **Municipal Liability – Ratification (42 U.S.C. § 1983)**

24 (By All Plaintiffs against Defendants STATE, COUNTY, and DOES 7-10)

25 73. Plaintiffs repeat and re-allege each and every allegation in paragraphs 1  
26 through 72 of this Complaint with the same force and effect as if fully set forth  
27 herein.

1           74. Defendants DOE OFFICERS and DOE DEPUTIES acted under color  
2 of law;

3           75. The acts of Defendants DOE OFFICERS and DOE DEPUTIES  
4 deprived DECEDENT and Plaintiffs L.C., I.H., A.L., and ANTONIA SALAS  
5 UBALDO of their particular rights under the United States Constitution.

6           76. A final policymaker, acting under color of law, who had final  
7 policymaking authority concerning the acts of Defendants DOE OFFICERS and  
8 DOE DEPUTIES, ratified Defendants DOE OFFICERS' and DOE DEPUTIES acts  
9 and the bases for them. The final policymaker knew of and specifically approved of  
10 Defendants DOE OFFICERS' and DOE DEPUTIES acts.

11           77. Upon information and belief, a final policymaker has determined that  
12 the acts of Defendants DOE OFFICERS and DOE DEPUTIES were "within  
13 policy."

14           78. By reason of the aforementioned acts and omissions, Plaintiffs L.C.,  
15 I.H., A.L., and ANTONIA SALAS UBALDO have suffered loss of the love,  
16 companionship, affection, comfort, care, society, training, guidance, and past and  
17 future support of DECEDENT. The aforementioned acts and omissions also caused  
18 DECEDENT's pain and suffering, loss of enjoyment of life, and death.

19           79. Accordingly, Defendants STATE and DOES 41-45 each are liable to  
20 Plaintiffs L.C., I.H., A.L., and ANTONIA SALAS UBALDO for compensatory  
21 damages under 42 U.S.C. § 1983.

22           80. Accordingly, Defendants COUNTY and DOES 7-10 each are liable to  
23 Plaintiffs L.C., I.H., A.L., and ANTONIA SALAS UBALDO for compensatory  
24 damages under 42 U.S.C. § 1983.

25           81. Plaintiff L.C. brings this claim individually and as a successor-in-  
26 interest to DECEDENT, and seeks both survival damages, including pre-death pain  
27 and suffering, emotional distress, loss of life, and loss of enjoyment of life, and  
28



1 wrongful death damages under this claim. Plaintiff L.C. also seeks attorney's fees  
2 under this claim.

3 82. Plaintiff I.H. brings this claim individually and as a successor-in-  
4 interest to DECEDENT, and seeks both survival damages, including pre-death pain  
5 and suffering, emotional distress, loss of life, and loss of enjoyment of life, and  
6 wrongful death damages under this claim. Plaintiff I.H. also seeks attorney's fees  
7 under this claim.

8 83. Plaintiff A.L. brings this claim individually and as a successor-in-  
9 interest to DECEDENT, and seeks both survival damages, including pre-death pain  
10 and suffering, emotional distress, loss of life, and loss of enjoyment of life, and  
11 wrongful death damages under this claim. Plaintiff A.L. also seeks attorney's fees  
12 under this claim.

13 84. Plaintiff ANTONIA SALAS UBALDO brings this claim individually  
14 and seeks wrongful death damages under this claim. Plaintiff ANTONIA SALAS  
15 UBALDO also seeks attorney's fees under this claim.

16  
17 **SIXTH CLAIM FOR RELIEF**

18 **Municipal Liability – Failure to Train (42 U.S.C. § 1983)**

19 (By All Plaintiffs against Defendants STATE, COUNTY, and DOES 7-10)

20 85. Plaintiffs repeat and re-allege each and every allegation in paragraphs 1  
21 through 84 of this Complaint with the same force and effect as if fully set forth  
22 herein.

23 86. Defendants DOE OFFICERS and DOE DEPUTIES acted under color  
24 of law;

25 87. The acts of Defendants DOE OFFICERS and DOE DEPUTIES  
26 deprived DECEDENT and Plaintiffs L.C., I.H., A.L., and ANTONIA SALAS  
27 UBALDO of their particular rights under the United States Constitution.  
28

1           88. The training policies of Defendants STATE and COUNTY were not  
2 adequate to train its officers to handle the usual and recurring situations with which  
3 they must deal. Nor were they adequate to train the officers to properly use  
4 nonlethal and lethal force in the event that such force was warranted. The officers  
5 were not trained in the proper use of equipment they carried with them.

6           89. Defendant STATE was deliberately indifferent to the obvious  
7 consequences of its failure to train its officers adequately.

8           90. Defendant COUNTY was deliberately indifferent to the obvious  
9 consequences of its failure to train its deputies adequately.

10          91. The failure of Defendants STATE and COUNTY to provide adequate  
11 training, including training with regards to use of deadly force and the use of force  
12 caused the deprivation of DECEDENT's and Plaintiffs L.C., I.H., A.L., and  
13 ANTONIA SALAS UBALDO's rights by Defendants DOE OFFICERS and DOE  
14 DEPUTIES; that is, Defendants' failure to train is so closely related to the  
15 deprivation of the DECEDENT's and Plaintiffs L.C., I.H., A.L., and ANTONIA  
16 SALAS UBALDO's rights as to be the moving force that caused the ultimate injury.

17          92. On information and belief, STATE failed to train Defendants DOE  
18 OFFICERS properly and adequately.

19          93. On information and belief, COUNTY failed to train Defendants DOE  
20 DEPUTIES properly and adequately.

21          94. By reason of the aforementioned acts and omissions, Plaintiffs L.C.,  
22 I.H., A.L., and ANTONIA SALAS UBALDO have suffered loss of the love,  
23 companionship, affection, comfort, care, society, training, guidance, and past and  
24 future support of DECEDENT. The aforementioned acts and omissions also caused  
25 DECEDENT's pain and suffering, loss of enjoyment of life, and death.

26          95. Accordingly, Defendants STATE and DOES 7-8 each are liable to  
27 Plaintiffs L.C., I.H., A.L., and ANTONIA SALAS UBALDO for compensatory  
28 damages under 42 U.S.C. § 1983.

1           96. Accordingly, Defendants COUNTY and DOES 9-10 each are liable to  
2 Plaintiffs L.C., I.H., A.L., and ANTONIA SALAS UBALDO for compensatory  
3 damages under 42 U.S.C. § 1983.

4           97. Plaintiff L.C. brings this claim individually and as a successor-in-  
5 interest to DECEDENT, and seeks both survival damages, including pre-death pain  
6 and suffering, emotional distress, loss of life, and loss of enjoyment of life, and  
7 wrongful death damages under this claim. Plaintiff L.C. also seeks attorney's fees  
8 under this claim.

9           98. Plaintiff I.H. brings this claim individually and as a successor-in-  
10 interest to DECEDENT, and seeks both survival damages, including pre-death pain  
11 and suffering, emotional distress, loss of life, and loss of enjoyment of life, and  
12 wrongful death damages under this claim. Plaintiff I.H. also seeks attorney's fees  
13 under this claim.

14           99. Plaintiff A.L. brings this claim individually and as a successor-in-  
15 interest to DECEDENT, and seeks both survival damages, including pre-death pain  
16 and suffering, emotional distress, loss of life, and loss of enjoyment of life, and  
17 wrongful death damages under this claim. Plaintiff A.L. also seeks attorney's fees  
18 under this claim.

19           100. Plaintiff ANTONIA SALAS UBALDO brings this claim individually  
20 and seeks wrongful death damages under this claim. Plaintiff ANTONIA SALAS  
21 UBALDO also seeks attorney's fees under this claim.

22  
23                                   **SEVENTH CLAIM FOR RELIEF**

24           **Municipal Liability – Unconstitutional Custom or Policy (42 U.S.C. § 1983)**

25           (By All Plaintiffs against Defendants STATE, COUNTY, and DOES 7-10)

26           101. Plaintiffs repeat and re-allege each and every allegation in paragraphs 1  
27 through 100 of this Complaint with the same force and effect as if fully set forth  
28 herein.

1           102. Defendants DOE OFFICERS and DOE DEPUTIES acted under color  
2 of law;

3           103. Defendants DOE OFFICERS acted pursuant to an expressly adopted  
4 official policy or a longstanding practice or custom of the Defendant STATE.

5           104. Defendants DOE DEPUTIES acted pursuant to an expressly adopted  
6 official policy or a longstanding practice or custom of the Defendant COUNTY.

7           105. On information and belief, Defendants DOE OFFICERS and DOE  
8 DEPUTIES were not disciplined, reprimanded, retrained, suspended, or otherwise  
9 penalized in connection with DECEDENT's death.

10          106. Defendants STATE, COUNTY, and DOES 1-10, together with other  
11 STATE and COUNTY policymakers and supervisors, maintained, inter alia, the  
12 following unconstitutional customs, practices, and policies:

- 13           (a) Using excessive force, including excessive deadly force;
- 14           (b) Providing inadequate training regarding the use of deadly force;
- 15           (c) Employing and retaining as police officers individuals such as  
16 Defendants DOE OFFICERS and DOE DEPUTIES, who  
17 Defendants STATE and COUNTY at all times material herein  
18 knew or reasonably should have known had dangerous  
19 propensities for abusing their authority and for using excessive  
20 force;
- 21           (d) Inadequately supervising, training, controlling, assigning, and  
22 disciplining STATE officers, COUNTY deputies, and other  
23 personnel, including Defendants DOE OFFICERS and DOE  
24 DEPUTIES, who Defendants STATE and COUNTY knew or in  
25 the exercise of reasonable care should have known had the  
26 aforementioned propensities and character traits;
- 27           (e) Maintaining grossly inadequate procedures for reporting,  
28 supervising, investigating, reviewing, disciplining and

1 controlling misconduct by STATE officers and COUNTY  
2 DEPUTIES, including Defendants DOE OFFICERS and DOE  
3 DEPUTIES;

4 (f) Failing to adequately discipline STATE police officers and  
5 COUNTY sheriff's deputies, including Defendants DOE  
6 OFFICERS and DOE DEPUTIES, for the above-referenced  
7 categories of misconduct, including "slaps on the wrist,"  
8 discipline that is so slight as to be out of proportion to the  
9 magnitude of the misconduct, and other inadequate discipline  
10 that is tantamount to encouraging misconduct;

11 (g) Announcing that unjustified shootings are "within policy,"  
12 including shootings that were later determined in court to be  
13 unconstitutional;

14 (h) Even where shootings are determined in court to be  
15 unconstitutional, refusing to discipline, terminate, or retrain the  
16 officers involved;

17 (i) Maintaining a policy of inaction and an attitude of indifference  
18 towards soaring numbers of police shootings, including by  
19 failing to discipline, retrain, investigate, terminate, and  
20 recommend officers for criminal prosecution who participate in  
21 unjustified shootings;

22 (j) Failing to properly train police officers to use nonlethal force and  
23 to maintain their equipment concerning nonlethal force,  
24 including Tasers, in working condition.

25 107. By reason of the aforementioned acts and omissions, Plaintiffs L.C.,  
26 I.H., A.L., and ANTONIA SALAS UBALDO have suffered loss of the love,  
27 companionship, affection, comfort, care, society, training, guidance, and past and  
28

1 future support of DECEDENT. The aforementioned acts and omissions also caused  
2 DECEDENT's pain and suffering, loss of enjoyment of life, and death.

3 108. Defendants STATE, COUNTY, and DOES 1-10, together with various  
4 other officials, whether named or unnamed, had either actual or constructive  
5 knowledge of the deficient policies, practices and customs alleged in the paragraphs  
6 above. Despite having knowledge as stated above, these defendants condoned,  
7 tolerated and through actions and inactions thereby ratified such policies. Said  
8 defendants also acted with deliberate indifference to the foreseeable effects and  
9 consequences of these policies with respect to the constitutional rights of  
10 DECEDENT, Plaintiffs L.C., I.H., A.L., and ANTONIA SALAS UBALDO, and  
11 other individuals similarly situated.

12 109. By perpetrating, sanctioning, tolerating and ratifying the outrageous  
13 conduct and other wrongful acts, DOES 1-10 acted with intentional, reckless, and  
14 callous disregard for the life of DECEDENT and for DECEDENT's and Plaintiffs  
15 L.C., I.H., A.L., and ANTONIA SALAS UBALDO's constitutional rights.  
16 Furthermore, the policies, practices, and customs implemented, maintained, and still  
17 tolerated by Defendants STATE, COUNTY, and DOES 1-10 were affirmatively  
18 linked to and were a significantly influential force behind the injuries of  
19 DECEDENT and Plaintiffs L.C., I.H., A.L., and ANTONIA SALAS UBALDO,  
20 including but not limited to Defendant DOE OFFICERS and DOE DEPUTIES'  
21 unreasonable use of excessive force, including deadly force, against DECEDENT.

22 110. Accordingly, Defendants STATE, COUNTY, and DOES 1-10 each are  
23 liable to L.C., I.H., A.L., and ANTONIA SALAS UBALDO for compensatory  
24 damages under 42 U.S.C. § 1983.

25 111. Plaintiff L.C. brings this claim individually and as a successor-in-  
26 interest to DECEDENT, and seeks both survival damages, including pre-death pain  
27 and suffering, emotional distress, loss of life, and loss of enjoyment of life, and  
28

1 wrongful death damages under this claim. Plaintiff L.C. also seeks attorney's fees  
2 under this claim.

3 112. Plaintiff I.H. brings this claim individually and as a successor-in-  
4 interest to DECEDENT, and seeks both survival damages, including pre-death pain  
5 and suffering, emotional distress, loss of life, and loss of enjoyment of life, and  
6 wrongful death damages under this claim. Plaintiff I.H. also seeks attorney's fees  
7 under this claim.

8 113. Plaintiff A.L. brings this claim individually and as a successor-in-  
9 interest to DECEDENT, and seeks both survival damages, including pre-death pain  
10 and suffering, emotional distress, loss of life, and loss of enjoyment of life, and  
11 wrongful death damages under this claim. Plaintiff A.L. also seeks attorney's fees  
12 under this claim.

13 114. Plaintiff ANTONIA SALAS UBALDO brings this claim individually  
14 and seeks wrongful death damages under this claim. Plaintiff ANTONIA SALAS  
15 UBALDO also seeks attorney's fees under this claim.

16  
17 **EIGHTH CLAIM FOR RELIEF**

18 **Battery**

19 (By All Plaintiffs against Defendants STATE, COUNTY, DOE OFFICERS, and  
20 DOE DEPUTIES)

21 115. Plaintiffs repeat and re-allege each and every allegation in paragraphs 1  
22 through 114 of this Complaint with the same force and effect as if fully set forth  
23 herein.

24 116. Defendants DOE OFFICERS and DOE DEPUTIES, while working as  
25 officers for the CHP and sheriff's deputies for SBSB, and acting within the course  
26 and scope of their duties, intentionally shot DECEDENT multiple times and used  
27 unreasonable and excessive force against him. As a result of the actions of  
28 Defendants DOE OFFICERS and DOE DEPUTIES, DECEDENT ultimately died



1 from his injuries. Defendants DOE OFFICERS and DOE DEPUTIES had no legal  
2 justification for using force against DECEDENT, and their use of force while  
3 carrying out their duties as police officers was an unreasonable and non-privileged  
4 use of force.

5 117. As a direct and proximate result of the conduct of Defendants DOE  
6 OFFICERS and DOE DEPUTIES as alleged above, DECEDENT sustained injuries,  
7 experienced pain and suffering, died from his injuries and also lost his earning  
8 capacity.

9 118. STATE is vicariously liable for the wrongful acts of Defendants DOE  
10 OFFICERS pursuant to section 815.2(a) of the California Government Code, which  
11 provides that a public entity is liable for the injuries caused by its employees within  
12 the scope of the employment if the employee's act would subject him or her to  
13 liability.

14 119. COUNTY is vicariously liable for the wrongful acts of Defendants  
15 DOE DEPUTIES pursuant to section 815.2(a) of the California Government Code,  
16 which provides that a public entity is liable for the injuries caused by its employees  
17 within the scope of the employment if the employee's act would subject him or her  
18 to liability.

19 120. The conduct of Defendants DOE OFFICERS and DOE DEPUTIES  
20 was malicious, wanton, oppressive, and accomplished with a conscious disregard for  
21 the rights of DECEDENT, entitling Plaintiffs L.C., I.H., and A.L., as successors-in-  
22 interest to DECEDENT, to an award of exemplary and punitive damages as to  
23 Defendants DOE OFFICERS and DOE DEPUTIES.

24 121. Plaintiff L.C. brings this claim individually and as a successor-in-  
25 interest to DECEDENT. Plaintiff L.C. seeks survival damages, including pain and  
26 suffering, and wrongful death damages under this claim.

1 122. Plaintiff I.H. brings this claim individually and as a successor-in-  
2 interest to DECEDENT. Plaintiff I.H. seeks survival damages, including pain and  
3 suffering, and wrongful death damages under this claim.

4 123. Plaintiff A.L. brings this claim individually and as a successor-in-  
5 interest to DECEDENT. Plaintiff A.L. seeks survival damages, including pain and  
6 suffering, and wrongful death damages under this claim.

7 124. Plaintiff ANTONIA SALAS UBALDO brings this claim individually  
8 and seeks wrongful death damages under this claim.

9  
10 **NINTH CLAIM FOR RELIEF**

11 **Negligence**

12 (By All Plaintiffs against all Defendants)

13 125. Plaintiffs repeat and re-allege each and every allegation in paragraphs 1  
14 through 124 of this Complaint with the same force and effect as if fully set forth  
15 herein.

16 126. Police officers, including Defendants, have a duty to use reasonable  
17 care to prevent harm or injury to others. This duty includes using appropriate tactics,  
18 giving appropriate commands, giving warnings, and not using any force unless  
19 necessary, using less than lethal options, and only using deadly force as a last resort.

20 127. Defendants DOE OFFICERS, DOE DEPUTIES and DOES 7-10  
21 breached this duty of care. Upon information and belief, the actions and inactions of  
22 Defendants DOE OFFICERS, DOE DEPUTIES and DOES 7-10 were negligent and  
23 reckless, including but not limited to:

- 24 (a) the failure to properly and adequately assess the need to use  
25 force or deadly force against DECEDENT;  
26 (b) the negligent tactics and handling of the situation with  
27 DECEDENT, including pre-shooting negligence;  
28

- (c) the negligent use of force, including deadly force, against DECEDENT;
- (d) the failure to provide prompt medical care to DECEDENT;
- (e) the failure to properly train and supervise employees, both professional and non-professional, including DOE OFFICERS and DOE DEPUTIES;
- (f) the failure to ensure that adequate numbers of employees with appropriate education and training were available to meet the needs of and protect the rights of DECEDENT;
- (g) the negligent handling of evidence and witnesses; and
- (h) the negligent communication of information during the incident.

128. As a direct and proximate result of Defendants' conduct as alleged above, and other undiscovered negligent conduct, DECEDENT experienced pain and suffering ultimately died. Also as a direct and proximate result of Defendants' conduct as alleged above, Plaintiffs L.C., I.H., A.L., and ANTONIA SALAS UBALDO suffered emotional distress and mental anguish. Plaintiffs L.C., I.H., A.L., and ANTONIA SALAS UBALDO also have been deprived of the life-long love, companionship, comfort, support, society, care and sustenance of DECEDENT, and will continue to be so deprived for the remainder of their natural life.

129. STATE is vicariously liable for the wrongful acts of Defendants DOE OFFICERS and DOES 7-8 pursuant to section 815.2(a) of the California Government Code, which provides that a public entity is liable for the injuries caused by its employees within the scope of the employment if the employee's act would subject him or her to liability.

130. COUNTY is vicariously liable for the wrongful acts of Defendants DOE DEPUTIES and DOES 9-10 pursuant to section 815.2(a) of the California Government Code, which provides that a public entity is liable for the injuries

1 caused by its employees within the scope of the employment if the employee's act  
2 would subject him or her to liability.

3 131. Plaintiff L.C. brings this claim individually and as a successor-in-  
4 interest to DECEDENT. Plaintiff L.C. seeks survival damages, including pain and  
5 suffering, and wrongful death damages under this claim.

6 132. Plaintiff I.H. brings this claim individually and as a successor-in-  
7 interest to DECEDENT. Plaintiff I.H. seeks survival damages, including pain and  
8 suffering, and wrongful death damages under this claim.

9 133. Plaintiff A.L. brings this claim individually and as a successor-in-  
10 interest to DECEDENT. Plaintiff A.L. seeks survival damages, including pain and  
11 suffering, and wrongful death damages under this claim.

12 134. Plaintiff ANTONIA SALAS UBALDO brings this claim individually  
13 and seeks wrongful death damages under this claim.

14  
15 **TENTH CLAIM FOR RELIEF**

16 **Violation of Cal. Civil Code § 52.1**

17 (By Plaintiff L.C., I.H., and A.L. against all Defendants)

18 135. Plaintiffs repeat and re-allege each and every allegation in paragraphs 1  
19 through 134 of this Complaint with the same force and effect as if fully set forth  
20 herein.

21 136. California Civil Code, Section 52.1 (the Bane Act), prohibits any  
22 person from using violent acts or threatening to commit violent acts in retaliation  
23 against another person for exercising that person's constitutional rights.

24 137. On information and belief, Defendants DOE OFFICERS, while  
25 working for the STATE and acting within the course and scope of their duties,  
26 intentionally committed and attempted to commit acts of violence against  
27 DECEDENT, including by shooting him without justification or excuse, and by  
28 denying him necessary medical care.

1           138. On information and belief, Defendants DOE DEPUTIES, while  
2 working for the COUNTY and acting within the course and scope of their duties,  
3 intentionally committed and attempted to commit acts of violence against  
4 DECEDENT, including by shooting him without justification or excuse, and by  
5 denying him necessary medical care.

6           139. When Defendants DOE OFFICERS and DOE DEPUTIES shot  
7 DECEDENT, they interfered with his civil rights to be free from unreasonable  
8 searches and seizures, to due process, to equal protection of the laws, to medical  
9 care, to be free from state actions that shock the conscience, and to life, liberty, and  
10 property.

11           140. On information and belief, Defendants intentionally and spitefully  
12 committed the above acts to discourage DECEDENT from exercising his civil  
13 rights, to retaliate against him for invoking such rights, or to prevent him from  
14 exercising such rights, which they were fully entitled to enjoy.

15           141. On information and belief, DECEDENT reasonably believed and  
16 understood that the violent acts committed by Defendants DOE OFFICERS and  
17 DOE DEPUTIES, inclusive were intended to discourage him from exercising the  
18 above civil rights, to retaliate against him for invoking such rights, or to prevent him  
19 from exercising such rights.

20           142. Defendants successfully interfered with the above civil rights of  
21 DECEDENT.

22           143. The conduct of Defendants was a substantial factor in causing  
23 DECEDENT's harms, losses, injuries, and damages.

24           144. STATE is vicariously liable for the wrongful acts of Defendants DOE  
25 OFFICERS and DOES 7-8, inclusive pursuant to section 815.2(a) of the California  
26 Government Code, which provides that a public entity is liable for the injuries  
27 caused by its employees within the scope of the employment if the employee's act  
28 would subject him or her to liability.

1           145. Defendants DOES 7-8 are vicariously liable under California law and  
2 the doctrine of *respondeat superior*.

3           146. COUNTY is vicariously liable for the wrongful acts of Defendants  
4 DOE DEPUTIES and DOES 9-10, inclusive pursuant to section 815.2(a) of the  
5 California Government Code, which provides that a public entity is liable for the  
6 injuries caused by its employees within the scope of the employment if the  
7 employee's act would subject him or her to liability.

8           147. Defendants DOES 9-10 are vicariously liable under California law and  
9 the doctrine of *respondeat superior*.

10           148. The conduct of Defendants was malicious, wanton, oppressive, and  
11 accomplished with a conscious disregard for DECEDENT's rights, justifying an  
12 award of exemplary and punitive damages as to Defendants DOE OFFICERS and  
13 DOE DEPUTIES.

14           149. Plaintiff L.C., I.H., and A.L. brings this claim as successor-in-interest  
15 to DECEDENT and seeks survival damages, including emotional distress, loss of  
16 life, and loss of enjoyment of life under this claim. Plaintiff L.C., I.H., and A.L. also  
17 seeks treble damages, attorney's fees, and costs under this claim.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs L.C., a minor by and through her guardian *ad litem* Maria Cadena, individually and as successor-in-interest to Hector Puga; I.H., a minor by and through his guardian *ad litem* Jasmine Hernandez, individually and as successor-in-interest to Hector Puga; A.L., a minor by and through her guardian *ad litem* Lydia Lopez, individually and as successor-in-interest to Hector Puga; and ANTONIA SALAS UBALDO, individually, requests entry of judgment in their favor and against Defendants STATE OF CALIFORNIA, COUNTY OF SAN BERNARDINO, and DOES 1-10, inclusive, as follows:

- A. For compensatory damages in whatever other amount may be proven at trial, including both survival damages and wrongful death damages under federal and state law;
- B. For funeral and burial expenses, and loss of financial support;
- C. For punitive damages against the individual defendants in an amount to be proven at trial;
- D. For statutory damages;
- E. For treble damages pursuant to California Civil Code Sections 52, 52.1;
- F. For interest;
- G. For reasonable attorneys' fees, including litigation expenses;
- H. For costs of suit; and
- I. For such further other relief as the Court may deem just, proper, and appropriate.

DATED: June 7, 2022

LAW OFFICES OF DALE K. GALIPO

By /s/ Dale K. Galipo  
Dale K. Galipo  
Hang D. Le  
Attorneys for Plaintiffs L.C., I.H., A.L., and  
ANTONIA SALAS UBALDO



**DEMAND FOR JURY TRIAL**

Plaintiffs hereby demand a trial by jury.

DATED: June 7, 2022

LAW OFFICES OF DALE K. GALIPO

By /s/ Dale K. Galipo  
Dale K. Galipo  
Hang D. Le  
Attorneys for Plaintiffs L.C., I.H., A.L., and  
ANTONIA SALAS UBALDO